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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,100	06/22/2006	Franz Amtmann	AT03 0073 US1	1415
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NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131				
EXAMINER				
HSIEH, PING Y				
ART UNIT		PAPER NUMBER		
2618				
NOTIFICATION DATE		DELIVERY MODE		
08/14/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary

Application No.

10/584,100

Applicant(s)

AMTMANN ET AL.

Examiner

PING Y. HSIEH

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5 and 10 is/are rejected.
- 7) ☒ Claim(s) 2, 3 and 6-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In view of the received on 6/18/08, the objection to claim 1 is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paratore et al. (U.S. PATENT NO. 6,294,997).

-Regarding claims 1, 5 and 10, Paratore et al. disclose a method of determining a disconnection time information which is significant for a disconnection period in which disconnection period an integrated circuit of a data carrier designed for contactless communication with a communication partner device has not been adequately supplied with power by means of a power supply field **(the RFID tag which can measure the time that has elapsed after the last charging of the capacitor that acts as the main power source as disclosed in col. 2 lines 21-30)**, wherein at least one first storage capacitor of the integrated circuit is charged while the integrated circuit is being adequately supplied **(the interrogating field provided by the RFID interrogator 100**

induces a current in the inductor 14 which charges the capacitor 12 as disclosed in col. 4 lines 47-53), and wherein the at least one first storage capacitor is discharged from a first starting time when the integrated circuit is subsequently no longer adequately supplied (the resistor coupled to the capacitor determines the amount of current leak from the capacitor after the capacitor has been fully charged as disclosed in col. 4 lines 3-16), and wherein the disconnection time information is determined on the basis of the discharge behavior, which is affected by the IC material and by radiation, of the at least one first storage capacitor (the discharge behavior is affected by the IC material and temperature as disclosed in col. 5 lines 11-31 and col. 6 lines 28-51). Even though Paratore et al. fail to specifically disclose the determined disconnection time information is corrected in dependence on the effects of the IC material and/or on at least one radiation effect, however, Paratore et al. disclose the timing module may include a resistor coupled to a charging capacitor (**col. 2 lines 23-26**); the time can be calculated based on the rate of dissipation, which can be controlled through different valued resistors (**col. 2 lines 26-30**); and increase in temperature can increase in conductivity in the resistor (**col. 5 lines 25-29**). Since the timing module enables the user, upon interrogating the RFID tag, to determine the precise length of time from the previous charge of the RFID tag as disclosed in col. 2 lines 13-15, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the length of time that an RFID tag is exposed to a certain environmental

condition to be corrected in dependence on the effects of the IC material or temperature. One is motivated as such in order to provide a more accurate tracking and identifying environment-sensitive goods as disclosed in col. 1 lines 51-58.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paratore et al. (U.S. PATENT NO. 6,294,997) in view of Heinrich et al. (U.S. PATENT NO. 6,404,325).

-Regarding claim 4, Paratore et al. disclose all the limitations as claimed in claim 1. However, Paratore et al. fail to specifically disclose the disconnection time information is used to decide whether the data carrier is to respond to certain prompt commands of the communication partner device.

Heinrich et al. disclose the data carrier is to respond to certain prompt commands of the communication partner device (**see col. 2 lines 28-25 and col. 5 lines 27-30**).

Therefore, it would have been obvious to one of ordinary skills in the art at the of invention to modify the integrated circuit of a data carrier as disclosed by Paratore et al. to respond to certain prompt commands as disclosed by Heinrich et al. One is motivated as such in order to make sure the voltage across C_{AUX} has not fallen to a threshold level where the information maintained in the mirror latches is no longer trustworthy.

Allowable Subject Matter

5. Claims 2, 3 and 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 6/18/08 have been fully considered but they are not persuasive.

a. In pages 6 and 7 of the remark, regarding claim 1, 4, 5 and 10, applicant argues that the Office Action has not cited to any prior art reference to support the assertion "to modify the length of time that an RFID tag is exposed to a certain environmental condition to be corrected in dependence on the effects of the IC material or temperature"; Paratore et al. do not teach modifying the tracked time period from a previous charging based on the conditions that the RFID tag was exposed to; and Paratore et al. do not teach or suggest that doing so would allow "more" accurate tracking and identification of environmental-sensitive goods.

The examiner respectfully disagrees. Even though Paratore et al. fail to specifically disclose the determined disconnection time information is corrected in dependence on the effects of the IC material and/or on at least one radiation effect, however, Paratore et al. disclose the timing module may include a resistor coupled to a charging capacitor (**col. 2 lines 23-26**); the time can be calculated based on the rate of dissipation, which can be controlled through different valued

resistors (**col. 2 lines 26-30**); and increase in temperature can increase in conductivity in the resistor (**col. 5 lines 25-29**). Since the timing module enables the user, upon interrogating the RFID tag, to determine the precise length of time from the previous charge of the RFID tag as disclosed in col. 2 lines 13-15, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the length of time that an RFID tag is exposed to a certain environmental condition to be corrected in dependence on the effects of the IC material or temperature. One is motivated as such in order to provide a more accurate tracking and identifying environment-sensitive goods as disclosed in col. 1 lines 51-58. Based on this reasonable interpretation of the claims, the examiner insists that Paratore et al. do teach the limitations of claims 1, 4, 5 and 10 as set forth in the standing 103 rejection. The rejection has been revised to more clearly set forth the above reasoning.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PING Y. HSIEH whose telephone number is (571)270-3011. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuwen Pan can be reached on 571-272-7855. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. Y. H./
Examiner, Art Unit 2618

/Yuwen Pan/
Examiner, Art Unit 2618